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EXAMINER

WU, DOROTHY

ART UNIT

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2615

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7

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/581,078

Applicant(s)

BIRK, UZI

Examiner

Dorothy Wu

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6 6) ☐ Other: \_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 1-40 are objected to because of the following informalities: the claims cite reference characters used in the disclosure. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 19, 21, and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 19 and 22 recites the limitation "control means." There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 21, the claim recites the limitation "wherein a data input means is associated with said remote control device." Parent claim 1 recites the same limitation. It is unclear whether claim 21 is indicating that the apparatus further comprises another data input means.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2615

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, 9, 10, 21, 22, 25-30, 35, 37, 38, and 40 rejected under 35 U.S.C. 102(b) as being clearly anticipated by Schwarz et al, U.S. Patent 3,718,120.

Regarding claim 1, Schwarz et al teaches an apparatus for monitoring at least a part of an animal related space (kennel) (col. 1, lines 2-7), comprising a controllable device (transport means 28) and at least one image capturing device (television cameras 202) for generating and supplying captured image data regarding said animal related space (col. 5, lines 1-16; 42-48), characterised in that: said image capturing device (television camera 202) connectible to a telecommunications network (common electrical bus system 200) (col. 5, lines 2-5; Fig. 3); and a remote control device (control panel 32) connectible to said telecommunications network (common electrical bus system 200) (Fig. 2). The communication ports are inherently taught. Schwarz also teaches that said image capturing device (television camera 202) is connectible to said remote control device (control panel 32) via said telecommunications network (common electrical bus system 200) (Fig. 2); said remote control device (control panel 32) is adapted to receive said captured image data and is associated with a display unit (display section 214) for allowing viewing of said captured image data (col. 5, lines 14-16); a data input means (selection keys 216) is associated with said remote control device (control panel 32), for entering a control instruction (col. 5, lines 16-19); said remote control device (control panel 32) is adapted to output said control instruction via said further communications port (col. 5, 19-24); and said controllable device (transport means 28) is arranged to be interactively manipulated by said

Art Unit: 2615

remote control device (control panel **32**) in response to said control instruction (col. 5, lines 8-13 42-48, Fig. 2).

Regarding claim 2, Schwarz et al teaches an apparatus for monitoring at least a part of an animal related space (kennel) (col. 1, lines 2-7), comprising a controllable device (transport means **28**) and at least one image capturing device (television cameras **202**) for generating and supplying captured image data regarding said animal related space (col. 5, lines 1-16, 42-48), characterised in that said image capturing device (television camera **202**) is connectible to a telecommunications network (common electrical bus system **200**), for association of said image capturing device (television camera **202**) with a remote control device (control panel **32**) connectible to said telecommunications network and adapted to receive said captured image data (col. 5, lines 2-6, 14-16). The communication ports are inherently taught.

Regarding claim 3, Schwarz teaches that the controllable device (transport means **28**) is controlled by signal converter 210, and is thereby associated with a communications port (col. 5, lines 8-13; Fig. 2).

Regarding claim 4, Schwarz teaches that a control means (signal converter 210) is provided between said controllable device (transport means **28**) and said communications port, said controllable device (transport means **28**) being automatically controlled by said control means (signal converter 210) (col. 5, lines 8-13; 42-48).

Regarding claim 5, Schwarz teaches that a control means (motor driven platform) is provided between said image capturing device (camera) and said communications port, said image capturing device (camera) being automatically controllable by said control means (col. 8, lines 21-29).

Art Unit: 2615

Regarding claim 9, Schwarz teaches that said animal related space (kennel) comprises an animal space provided with said controllable device (transport means 28) (col. 1, lines 2-8; col. 5, lines 42-48).

Regarding claim 10, Schwarz teaches that said animal related space comprises an animal gateway provided with a controllable device (screen 58) (col. 7, lines 5-7).

As best understood from the language of the claim, regarding claim 21, Schwarz teaches that said remote control device (control panel 32) is provided with a display unit (display section 214) for allowing viewing of said captured image data, and wherein a data input means (selection keys 216) is associated with said remote control device (control panel 32), for entering a control instruction (col. 5, lines 14-19).

As best understood from the language of the claim, regarding claim 22, Schwarz teaches that said control means (control panel 32) is provided with a display unit (display section 214) for allowing viewing of said captured image data, and wherein a data input means (selection keys 216) is associated with said control unit (control panel 32), for entering a control instruction (col. 5, lines 14-19).

Regarding claim 25, Schwarz teaches that said display unit (display section 216) can display an image wherein said image is captured by an image capturing device (television 202) (col. 5, lines 14-16). As the cameras are used to monitor the kennel, the image may be that of an animal. See above.

Regarding claim 26, Schwarz teaches the apparatus of claim 1. See above. Schwarz teaches a remote control device (control panel 32) adapted to receive captured image data comprising a communications port (Fig. 2), via which said control instruction is to be output, for

Art Unit: 2615

interactively manipulating a controllable device (transport means 28) of the apparatus (col. 5, lines 8-19, 42-48).

Regarding claims 27-30, 35, 37, 38, and 40, because the apparatuses of claims 1, 3, 4, 5, 22, 21, and 25 are taught, the methods corresponding to the apparatuses are also taught.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6, 7, 11, 31, and ~~3~~32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwarz, U.S. Patent 3,718,120.

Regarding claim 7, Schwarz teaches that said control means (signal converters 210) may receive said control instruction from said remote control device (control panel 32), said controllable device (transport means 28) being adapted to perform an operation in response to said remote control device via said control means (col. 5, lines 8-13; 16-19; 42-48). Schwarz teaches that the control instruction may be generated when the user pushes a selection key, which reads on a remote control mode (col. 5, lines 17-19). Schwarz also teaches that the operator may program the computer to automatically provide sequential functions (col. 8, lines 1-4). As Schwarz teaches the operation of the controllable device using manual operation via depression of selection keys or automatic operation via programming, it would have been obvious to one of ordinary skill to provide a mechanism for switching between the two modes of operation.

Art Unit: 2615

Regarding claim 6, Schwarz teaches the switching between manual and automatic modes of operation. See above. It would have been obvious to include a switch to bypass the hardware used in one operation mode when the apparatus is running in the other operation mode.

Regarding claim 11, Schwarz teaches that said controllable device comprises an openable and closeable gate (col. 7, lines 5-7). As the operator uses image data provided by the image capturing devices, it would have been obvious that the position of said gate would be established by said image capturing device.

Regarding claims 31 and 32, because the apparatuses of claims 6 and 7 are taught, the methods corresponding to the claims are also taught.

5. Claims 8, 12-16, 19-20, 33, 34, 36, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwarz et al, U.S. Patent 3,718,120, in view of Hansson, U.S. Patent 5,979,359.

Regarding claim 8, Schwarz teaches the apparatus of claim 4. See above. Schwarz does not teach that either of said remote control device and said control means is adapted to generate an alerting signal if an abnormal situation is established. Hansson teaches that an alarm signal can be generated if an injured animal is established (col. 15, lines 2-8). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the apparatus of Schwarz with the practice of generating an alarm in an abnormal situation taught by Hansson to make an apparatus that controls functions within an animal space from a centralized location and generates an alert in the presence of an abnormality. One of ordinary skill would



Art Unit: 2615

have been motivated to make such a modification to alert an operator of situations that require action beyond the automated functions provided in the monitoring system.

Regarding claim 12, Schwarz teaches an apparatus according to claim 1. See above. Schwarz does not teach that said controllable device comprises a movable robot arm provided with a gripper. Hansson does teach that said controllable device comprises a movable robot arm (robot arm 7) provided with a gripper (gripper 7a) (col. 9, lines 33-36). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the remote control, animal space monitoring system of Schwarz with the robot arm and gripper of Hansson to make an apparatus that enables an operator to remotely control the robot arm to milk a cow. One of ordinary skill would have been motivated to make such a modification to streamline the process of attaching teatcups to cows and thus speed the milking process.

Regarding claim 13, Hansson teaches that said image capturing device is arranged on said robot arm (col. 9, lines 59-61).

Regarding claim 14, Hansson teaches that a position of a teat of an animal is established by said image capturing device (video camera), for allowing attachment of a teatcup on said teat (col. 9, lines 48-53).

Regarding claim 15, Schwarz teaches the apparatus according to claim 1. See above. Schwarz teaches the remote execution of functions within an animal space. See above. Schwarz does not teach milking equipment provided with at least one teatcup associated with a pulsator, adapted to be controlled by said remote control device. Hansson does teach milking equipment with at least one teatcup (col. 9, lines 19; 48-54). As the apparatus is directed towards milking, the pulsator associated with the teatcup is inherently taught. Therefore, it would have been

Art Unit: 2615

obvious to one of ordinary skill in the art at the time the invention was made to combine the practice of using a computerized control device to attach teatcups to a cow's teats taught by Hansson with the practice of remotely executing functions within an animal space taught by Schwarz to make an apparatus that remotely controls milking equipment with at least one teatcup. One of ordinary skill would have been motivated to make such a modification to streamline the process of attaching teatcups to cows and thus speed the milking process.

Regarding claim 16, Hansson is directed towards milking equipment (col. 9, line 19). The association of a teatcup with a vacuum source via a valve is inherently taught.

As best understood from the language of the claim, regarding claims 19 and 20, Schwarz teaches the apparatus of claim 1. See above. Schwarz does not teach that analysis of an image captured by said image capture device is performed by said control means. Hansson does teach that an image captured by an image capture device is subject to analysis (col. 9, lines 49-53). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the animal space monitoring system of Schwarz with the analysis of image data taught by Hansson to make an animal space monitoring system that analyzes image data and performs functions based upon the analysis. One of ordinary skill would have been motivated to make such a modification to accurately place the teatcups on the cow.

Regarding claims 33, 34, 36, and 39, because the apparatuses of claims 8, 19, and 20 are taught, the methods corresponding to the apparatuses are also taught.

6. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schwarz et al, U.S. Patent 3,718,120, in view of Montalescot et al, U.S. Patent 4,867,103.

Art Unit: 2615

Regarding claim 17, Schwarz teaches an apparatus according to claim 1. See above.

Schwarz does not teach that said controllable device comprises a driving means with a turnable axle connectible to said image capturing device. Montalescot does teach that said controllable device comprises a driving means (support 112) with a turnable axle connectible to said image capturing device (camera 110) (col. 8, line 65– col. 9, line 5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the apparatus of Schwarz with the use of a turnable driving device connectible to the camera taught by Montalescot to make an animal-space monitoring system that can remotely control turnable driving devices connectible to cameras. One of ordinary skill would have been motivated to make such a modification to more precisely align the teatcup with the teat before applying the teatcup to the animal.

7. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schwarz et al, U.S. Patent 3,718,120, in view of Hamada, U.S. Patent 6,107,937.

Regarding claim 18, Schwarz teaches an apparatus according to claim 1. See above.

Schwarz does not teach that said controllable device comprises a driving means for a zoom lens arranged on said image capturing device. Hamade teaches that an operator may remotely control the zoom position of a camera (col. 3, lines 37-41). The driving means for a zoom lens is inherently taught. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the apparatus of Schwarz with the use of remotely controllable zoom driving means taught by Hamada to make an animal-space monitoring system that can remotely control the zoom position of a camera. One of ordinary skill would have been

Art Unit: 2615

motivated to make such a modification to control the level of detail the operator wishes to view in the displayed image.

8. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schwarz et al, U.S. Patent 3,718,120, in view of Yarnall, Jr. et al, U.S. Patent 5,808,551.

As best understood from the language of the claim, regarding claim 23, Schwarz teaches the apparatus of claim 1. See above. Schwarz does not teach that the input device comprises a microphone and/or loudspeaker. Yarnall teaches that an input device for monitoring animals comprises a microphone (col. 8, lines 27-31, 45-50). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the apparatus of Schwarz with the use of a microphone to input an operator's voice taught by Yarnall to make an animal-space monitoring system that allows for the input of an operator's voice. One of ordinary skill would have been motivated to make such a modification to enable an operator to communicate to an animal using his voice.

9. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schwarz et al, U.S. Patent 3,718,120, in view of Schulte et al, U.S. Patent 5,950,562.

Regarding claim 24, Schwarz teaches the apparatus of claim 1. See above. Schwarz does not teach that said animal related space comprises a microphone and/or loudspeaker. Schulte teaches the use of a loudspeaker to manage the animals, which reads on an animal space comprising a loudspeaker (col. 7, lines 41-44). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the apparatus of Schwarz

Art Unit: 2615

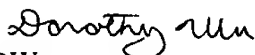
with the use of a loudspeaker taught by Schulte to make an animal-space monitoring system whose animal space comprises a loudspeaker. One of ordinary skill would have been motivated to make such a modification to remotely control loudspeakers that may entice animals to enter their stalls.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dorothy Wu whose telephone number is 703-305-8412. The examiner can normally be reached on Monday-Friday, 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on 703-308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

  
DW  
November 24, 2003



ANDREW CHRISTENSEN  
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